

REMARKS

Claims 29-31 and 33-50 were pending in the present application. Claims 37-44 were withdrawn from consideration. By virtue of this response, claim 29 has been amended. Accordingly, claims 29-31 and 33-50 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Rejections under 35 U.S.C. §103(a)

Claims 29, 30, 33-36 and 45-50 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Heinonen '020 in view of Heinonen '586 and Rosenthal.

Additionally, Claim 31 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Heinonen '020, Heinonen '586, and Rosenthal, as applied to claim 29 above, and further in view of Mault.

In response, independent claim 29 has been amended to recite blood glucose levels as calculated from measurements obtained from "a sample present on a skin surface" to further clarify the claimed invention in contrast to Rosenthal, which calculates blood glucose levels from near-infrared energy transmitted through and emerging from a patient's body part. (Rosenthal, 5: 2-7 & Fig. 2.) Therefore, Rosenthal necessarily fails to cure the defects of Heinonen '020 and Heinonen '586.

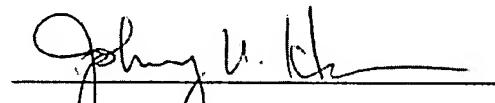
Dependent claims 30, 31, 33-36, and 45-50 depend from independent claim 29 and are patentable for at least the same reasons. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a).

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. VVMDNZ00201. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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